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Filing date: **12/07/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91216077
Party	Plaintiff RevenueWire, Inc.
Correspondence Address	MICHELLE S KATZ ADVITAM IP LLC 160 N WACKER DRIVE CHICAGO, IL 60606 UNITED STATES Mkatz@advitamip.com, MSKdocket@AdvitamIP.com, TValente@AdvitamIP.com, BBelligio@AdvitamIP.com
Submission	Motion for Summary Judgment
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Signature	/Michele S. Katz/
Date	12/07/2015
Attachments	RW v FPT MSJ - FINAL (redacted).pdf(448500 bytes ) Exhibit A - Reg. 4434614 FUTUREPAY.pdf(95969 bytes ) Exhibit B - App. 85860106 FUTURE PAYTECH.pdf(240866 bytes ) Exhibit C - App. 85860109 FUTURE PAYMENT TECHNOLOGIES.pdf(240509 bytes ) Exhibit D - Opposer's Responses to Applicant's First Set of Interrogatories, Nos. 2, 7, 9 and 24.pdf(148702 bytes ) Group Exhibit E - Confusion (redacted).pdf(1135131 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Application	)	
Serial Nos. 85/860,106 and 85/860,109	)	
Filed February 26, 2013	)	
For the mark "FUTURE PAYTECH" and	)	
"FUTURE PAYMENT TECHNOLOGIES"	)	
Published February 25, 2014	)	
	)	
RevenueWire Inc.,	)	
	)	Opposition No. 91216077
Opposer	)	
	)	
v.	)	
	)	
Future Payment Technologies, L.P.	)	
	)	
Applicant.	)	

**OPPOSER'S MOTION FOR SUMMARY JUDGMENT**

Pursuant to Rule 56(c) of the Federal Rules of Civil Procedure, Opposer RevenueWire, Inc. ("Opposer") by its attorneys hereby moves the Board for entry of an Order granting Opposer's Motion for Summary Judgment against Applicant, Future Payment Technologies, L.P. ("Applicant").

This Motion is based on the pleadings, the documents and records on file in this action, the exhibits attached hereto, and the accompanying Memorandum of Law.

Dated: December 7, 2015

By: /s/ Michele S. Katz  
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Attorney for Applicant

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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In the Matter of Trademark Application	)	
Serial Nos. 85/860,106 and 85/860,109	)	
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Published February 25, 2014	)	
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RevenueWire Inc.,	)	
	)	Opposition No. 91216077
Opposer	)	
	)	
v.	)	
	)	
Future Payment Technologies, L.P.	)	
	)	
Applicant.	)	

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**MEMORANDUM IN SUPPORT OF OPPOSER'S  
MOTION FOR SUMMARY JUDGMENT**

**I. INTRODUCTION**

Opposer, RevenueWire, Inc. ("Opposer"), by and through its attorneys, hereby respectfully submits this Memorandum in Support of its Motion for Summary Judgment ("Motion") against Future Payment Technologies. ("Applicant") in the above-captioned Opposition grounds that there is no disputed issue of material fact as to the priority of use and a likelihood of confusion between Applicant's applied-for FUTURE PAYTECH and FUTURE PAYMENT TECHNOLOGIES designations and Opposer's federally registered FUTUREPAY trademark, all of which are used for electronic payment services.

**II. FACTUAL BACKGROUND**

Opposer is the owner of the FUTUREPAY trademark shown in Registration No. 4434614 for use in connection with "credit service, namely, providing consumer credit and

electronic payment services over various media including the telephone and the World Wide Web; providing revolving credit account services online based on an instant approval mode and a business to consumer model; providing credit services to businesses in a business to business model” in International Class 36. See Ex. A. Opposer’s registration was filed under a 44(d) priority basis, and relies on the foreign priority filing date of December 8, 2011. Opposer is also the owner of Canadian Reg. No. 1555534 and Community Trademark Registration No. 012003431 for the mark FUTUREPAY.

On February 26, 2013, Applicant filed an intent-to-use application (Serial Nos. 85/860,106 and 85/860,109) for the marks FUTURE PAYTECH and FUTURE PAYMENT TECHNOLOGIES in International Class 36 for “credit card processing services; credit, debit, check and gift card transaction processing services; online credit reporting for merchants, and transactional services, namely, electronic cash transactions, debit card transactions, and credit card transactions”, and International Class 39 for “storage services for archiving electronic data, specifically electronic signature files of customers”. See Exs. B & C respectively.

On April 25, 2014, Opposer timely filed a Notice of Opposition against both trademark applications on the ground of priority and likelihood of confusion. In its answer, Applicant denied Opposer’s allegations and filed a counterclaim asserting that Opposer’s registration is invalid, unenforceable, and subject to cancellation on the ground that the mark FUTUREPAY is merely descriptive. Opposer denied Applicant’s allegations. Discovery opened on August 4, 2014 and after a series of extensions, closed on November 29, 2015.

### **III.ARGUMENT**

Summary judgment is appropriate here, as there are no genuine issues regarding any material fact in this case. Because no reasonable fact finder could resolve the matter in favor of

Applicant, summary judgment should be entered to avoid the unnecessary expense and time involved in trying this case. Celotex Corp. v. Catrett, 477 U.S. 317, 330 (1986); Green Spot (Thailand) Ltd. v. Vitasoy Int’l Holdings Ltd., 86 U.S.P.Q.2d 1283, 1284 (T.T.A.B. 2008) (“[a] motion for summary judgment is a pretrial device, intended to save the time and expense of a full trial [where] there is no genuine issue of material fact...”); see also Nat’l Football League v. Jasper Alliance Corp., 16 U.S.P.Q.2d 1212, 1215 (T.T.A.B. 1990) (entering summary judgment on the issue of likelihood of confusion). When the party moving for summary judgment demonstrates that no genuine issue of material fact exists, the nonmoving party “may not rely merely on allegations or denials in its own pleadings....” FED. R. CIV. P. 56(e). Rather, the nonmoving party must set “out specific facts showing a genuine factual issue for trial” and provide more than mere assertions. Id.; see also Nat’l Football League, 16 U.S.P.Q.2d at 1215 (“One cannot avoid summary judgment simply by the unsupported speculation that it may find some evidence in support of its case.”). In this case, there can be no dispute on these dispositive facts: Opposer has priority; the marks are highly similar, the goods are closely related and sold through identical channels; and Opposer’s mark is inherently distinctive. Therefore, summary judgment is appropriate.

**A. Opposer has senior rights in the mark.**

In order to establish trademark infringement, a trademark owner must establish priority of use by establishing that it owns “a mark or trade name previously used in the United States . . . DB2/ 25283756.1 10 and not abandoned . . .” 15 U.S.C. § 1052; Fram Trak Indus. v. Wiretracks LLC, 77 U.S.P.Q.2d 2000, 2005 (TTAB 2006).

Opposer owns and has used its FUTUREPAY mark since at least as early as June 2013 and for purposes of priority, can rely upon its 44(d) filing date of December 8, 2011.

Additionally, Opposer's registration for the FUTUREPAY mark evidences its exclusive right to use the mark in commerce in connection with the goods and services specified in the registrations. 15 U.S.C. § 1057(b). Accordingly, Opposer's constructive use date of December 8, 2011 precedes Applicant's filing date of February 26, 2013. Applicant has not produced any evidence to refute this fact, therefore, there is no genuine issue of material fact as to who has senior rights.

**B. Applicant's marks are likely to cause confusion.**

In determining whether there is a likelihood of confusion, the Board considers the factors set forth in In re E.I. DuPont de Nemours & Co., 476 F.2d 1357, 1361, 177 U.S.P.Q. 563, 567 (CCPA 1973). Here, the most relevant DuPont factors are factors 1, 2, 3, 5, and 7: 1) the similarity of the marks; 2) the similarity of the goods; 3) the similarity of trade channels; 5) the strength of the mark; and 7) the nature and extent of any actual or potential confusion. Id.

**1. Applicant's Marks are Similar to Opposer's Mark**

In considering whether the parties' marks are similar, the Board considers and compares the appearance, sound, connotation and commercial impression of the parties' marks in their entireties. See Palm Bay Imports Inc. v. Veuve Clicquot Ponsardin Maison Fondée En 1772, 396 F.3d 1369, 1371 (Fed. Cir. 2005). Similarity in any one of these elements suffices for a finding of confusion. In re 1st USA Realty Prof'ls, Inc., 84 U.S.P.Q.2d 1581, 1586 (TTAB 2007).

Under these circumstances, the issue is not whether the parties' marks can be distinguished when subjected to a side-by-side comparison, but rather whether the marks are sufficiently similar in terms of their overall commercial impression that confusion as to the source of the goods offered under the respective marks is likely to result. San Fernando Electric Mfg. Co. v. JFD Electronics Components Corp., 565 F.2d 683, 196 USPQ 1, 3 (CCPA 1977).

The proper focus is on the recollection of the average customer, who retains a general rather than specific impression of the marks. In re Cable Lock, Inc., 2012 TTAB LEXIS 418, at \*20-21 (Oct. 31, 2012); see also In re Appetito Provisions Co., Inc., 3 U.S.P.Q.2d 1553, 1554 (TTAB 1987) (finding APPETITO and design for Italian sausage confusingly similar to A APPETTITO'S and A APPETITO'S INC. and design for restaurant services; In re M. Serman & Company, Inc., 223 U.S.P.Q. 52 (TTAB 1984) (CITY WOMAN for ladies blouses and CITY for female clothing likely to be confused).

It is a well-accepted principle that one feature of a mark may be more significant than another, and it is proper to give more weight to this dominant feature in determining the commercial impression created by the mark. In re Nat'l Data Corp., 753 F.2d 1056, 224 U.S.P.Q. 749, 751 (Fed. Cir. 1985).

Here, the dominant features of Applicant's applied-for designations are the words "future" and "pay", both of which fully incorporate and consist of terms phonetically identical and visually similar to Opposer's FUTUREPAY mark. Presto Prod., Inc. v. Nice-Pak Prod. Inc., 9 U.S.P.Q.2d 1895, 1897 (T.T.A.B. 1988) ("...it is often the first part of a mark which is most likely to be impressed upon the mind of a purchaser and remembered."); Venture Out Prop. LLC, 81 U.S.P.Q.2d at 1892 (marks similar in sound and appearance where marks begin with the same word).

In addition to being comprised of the same phonetic sound and visual appearance of the FUTUREPAY mark, the applied-for designations convey an identical commercial impression: the innovative and revolutionizing character of the payment services offered.

Thus, this factor weighs in favor of Opposer. This is particularly evident in light of the well-established rule that as the degree of similarity of the goods of the parties increases, the

degree of similarity of the marks necessary to support a conclusion of likely confusion declines.’ Fossil Inc. v. Fossil Group, 49 U.S.P.Q.2d 1451, 1998 WL 962201 (TTAB 1998), quoting Century 21 Real Estate Corp. v. Century Life of America, 970 F.2d 874, 23 U.S.P.Q.2d 1698, 1700 (Fed. Cir. 1992) (internal quotations omitted). Thus, any dissimilarity in the marks themselves – which is not material in any event – is outweighed by the fact that on the face of the application, the FUTURE PAYTECH and FUTURE PAYMENT TECHNOLOGIES designation appears to be used for closely related services. In re Microsoft Corporation, 68 U.S.P.Q.2d 1195, 2003 WL 22134922 (TTAB 2003) (“[W]hen marks appear on or in connection with virtually identical or closely related goods, the degree of similarity of the marks necessary to support a conclusion of likely confusion is not as great as when the goods are different.”). This factor strongly favors Opposer.

## **2. Applicant’s Marks Are Used for Highly Related Services.**

In an opposition proceeding, the nature and scope of a party’s goods or services is determined on the basis of the goods or services as recited in the application. Hewlett-Packard Co. v. Packard Press, Inc., 281 F.3d 1261 (Fed. Cir. 2002). It is well established that an applicant and registrant do not have to offer identical or competitive products or services to find a likelihood of confusion. Rather, it is sufficient if the designation at issue covers related goods and services. Moreover, “the degree of relatedness must be viewed in the context of all the factors, in determining whether the services are sufficiently related that a reasonable consumer would be confused as to source or sponsorship,” particularly the similarity of the marks, which as shown above, are confusingly similar on their face. In re Shell Oil Co., 992 F.2d 1204, 26 U.S.P.Q.2d 1687, 1689 (Fed. Cir. 1993) (“Even when goods are services are not competitive or



intrinsically related, the use of identical marks can lead to the assumption that there is a common source”).

Here, there can be no question that the parties’ services are overlapping or, at a minimum, highly related. Applicant’s application covers: “credit card processing services; credit, debit, check and gift card transaction processing services; online credit reporting for merchants, and transactional services, namely, electronic cash transactions, debit card transactions, and credit card transactions” in Class 36, and “storage services for archiving electronic data, specifically electronic signature files of customers” in Class 39. See Exs. B & C. Opposer’s federal registration for its FUTUREPAY mark covers related goods and services and provide persuasive proof that Opposer’s credit and payment processing services for business merchants and Applicant’s applied-for services are of a type which may emanate from a single source under a single mark. See Ex. A; see In re Davey Prods. Pty. Ltd., 92 U.S.P.Q.2d 1198, 1203 (TTAB 2009); In re Albert Trostel & Sons Co., 29 U.S.P.Q.2d 1783 (TTAB 1993). Under these circumstances, consumers who would encounter Applicant’s FUTURE PAYTECH and FUTURE PAYMENT TECHNOLOGIES designations for credit card processing services would likely believe that it emanates from the same source as and/or is associated with or related to Opposer’s FUTUREPAY service, when that is not the case. Given the undisputable overlap between Applicant’s and Opposer’s services this factor weighs strongly in Opposer’s favor.

**3. The Parties’ Goods and Services Share Consumers and Travel Through Similar Trade Channels.**

According to the goods and services description in its Applications, Applicant’s goods and services are marketed over the Internet and to merchants. See Exs. B & C. Opposer’s goods and services are also marketed to merchants over the Internet, through various online channels, including, but not limited to Google, Facebook and LinkedIn as well as promoted to consumers

via the merchants that use the service. See Ex. D, Opposer's Responses and Objections to Applicant's First Set of Interrogatories No. 9. Thus, goods and services marketed under Opposer's FUTUREPAY mark will be available in the same trade channels to the same consumers as Applicant's designated services. In re Elbaum, 211 U.S.P.Q. 639, 640 (T.T.A.B. 1981) ("If these purchasers were to encounter products under the same or similar marks, it would not be unreasonable for them to assume, mistakenly, that they originate from the same source"). This factor, too, weighs in favor of Opposer and supports a finding of likelihood of confusion.

#### **4. Opposer's Mark is Strong**

As an initial matter, Opposer's registration of the FUTUREPAY mark on the Principal Register provides a presumption of distinctiveness. See Vibrant Sales, Inc. v. New Body Boutique, Inc., 652 F.2d 299, 304 (2d Cir. 1981). Furthermore, Opposer's FUTUREPAY mark for electronic payment services has been used continuously since 2013 and has been advertised through a number of channels, including printed presentations and brochures, online marketing campaigns such as ads on LinkedIn and emails, trade shows such as IRCE and Shop.org, social media channels such as Facebook and LinkedIn. See Ex. D, Opposer's Responses and Objections to Applicant's First Set of Interrogatories, No. 7 and No. 24. Opposer serves nearly 200 merchants and several thousand consumers under the FUTUREPAY mark in connection with its services. See Ex. D, Opposer's Responses and Objections to Applicant's First Set of Interrogatories No. 2. The FUTUREPAY mark is also promoted via the ecommerce platforms it is integrated with such as Magento, OpenCart, 3D Cart, Pinnacle Cart, Drupal Commerce, Woo Commerce, Spree Commerce, JigoShop, LemonStand, CS Cart and Hybris and is also displayed on the ecommerce carts of any merchant that uses the Opposer's services. See Ex. D, Opposer's Responses and Objections to Applicant's First Set of Interrogatories No. 7. Given that Opposer's mark is

heavily advertised and extensively used, it has significant market exposure and high commercial strength. See President and Trs. of Colby Coll. v. Colby Coll.-New Hampshire, 508 F.2d 804, 808 (1<sup>st</sup> Cir. 1975) ("[W]hile secondary meaning is shown by the success rather than by the mere fact of an enterprise's promotional efforts...the normal consequence of substantial publicity may be inferred"). Further the mark FUTUREPAY is registered in Canada and in the Europe Community. This factor supports a finding of likelihood of confusion.

#### **5. Applicant's Mark Has Caused Actual Confusion**

A showing of actual confusion is not necessary to a finding that confusion is likely. Giant Food, Inc. v. Nation's Foodservice, Inc., 710 F.2d 1565, 1571 (Fed. Cir. 1983). Where it exists, however, [t]here can be no more positive or substantial proof of the likelihood of confusion than proof of actual confusion. Moreover, reason tells us that while very little proof of actual confusion would be necessary to prove the likelihood of confusion, an almost overwhelming amount of proof would be necessary to refute such proof. World Carpets, Inc. v. Dick Littrell's New World Carpets, 438 F.2d 482, 489 (5th Cir. 1971); see also Morningside Group, Ltd. v. Morningside Capital Group, L.L.C., 182 F.3d 133, 141 (2d Cir. 1999) ("[E]vidence that confusion has actually occurred is of course convincing evidence that confusion is likely to occur."). Because of the highly probative nature of actual confusion, courts have routinely upheld liability as a matter of law based on as few as two or four such instances. See, e.g., Safeway Stores, Inc. v. Safeway Discount Drugs, Inc., 675 F.2d 1160, 1162 (11th Cir. 1982); Roto-Rooter Corp. v. O'Neal, 513 F.2d 44, 45 (5th Cir. 1975). Indeed, the Board previously has held that, because such evidence is so difficult to adduce, even a single instance of actual confusion is "illustrative of a situation showing how and why confusion is likely." Molenaar, Inc. v. Happy Toys, Inc., 188 U.S.P.Q. 469, 471 (T.T.A.B. 1975); see also Original Appalachian

Artworks, Inc. v. Toy Loft, Inc., 684 F.2d 821, 832 n.17 (11th Cir. 1982) (finding one instance of actual confusion probative of liability); John H. Harland Co. v. Clarke Checks, Inc., 711 F.2d 966, 978 (11th Cir. 1983) (two instances); Jellibeans, Inc. v. Skating Clubs 17 of Ga., Inc., 716 F.2d 833, 843-44 (11th Cir. 1983) (three instances); AmBrit, Inc. v. Kraft, Inc., 812 F.2d 1531, 1544 (11th Cir. 1986) (four instances); Grotrian, Helfferich, Schulz, Th. Steinweg Nachf. v. Steinway & Sons, 523 F.2d 1331, 1340 (2d Cir. 1975) (five instances).

In the instant case, there has been actual and ongoing consumer confusion caused by Applicant's use of its marks. Specifically, Opposer produced in discovery numerous e-mails, complaints and misdirected inquiries it received that were unmistakably intended for Applicant. See Group Ex. E. For example, Opposer's production included several instances of consumers mistakenly complaining to Opposer about Applicant's services, instead of Applicant, or customers complaining that they have lost business due to actual confusion between Applicant and Opposer:

[REDACTED]

See Group Ex. E, No. RW000621.

[REDACTED]

[REDACTED]

[REDACTED]

See Group Ex. E., No. RW000613.

[REDACTED]

See Group Ex. E., No. RW000608.

[REDACTED]

See Group Ex. E., No. RW000615.

[REDACTED]

See Group Ex. E., No. RW000632.

While not required to show instances of actual confusion, the above emails and misdirected inquiries demonstrate that actual confusion in the marketplace exists. Accordingly, this factor weighs heavily in favor of Opposer.

## **CONCLUSION**

A balancing of all of the factors relevant here leads to the inevitable conclusion that there is a likelihood of confusion between Opposer's FUTUREPAY mark and Applicant's FUTURE PAYTECH and FUTURE PAYMENT TECHNOLOGIES marks. Under these circumstances, there are simply no disputed issues of material fact that preclude this determination, and summary judgment should be decided in Opposer's favor.

Dated: December 7, 2015

Respectfully Submitted,

By: /s/ Michele S. Katz

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Attorney for Applicant

**CERTIFICATE OF SERVICE**

I hereby certify that the above and foregoing **OPPOSER'S MOTION FOR SUMMARY JUDGMENT** was served upon Applicant's counsel by electronic mail, on this 7<sup>th</sup> day of December, 2015, at the following addresses:

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ATTORNEYS FOR APPLICANT

/s/ Michele S. Katz/  
Attorney for Opposer

# **EXHIBIT A**



# United States of America

United States Patent and Trademark Office

# FUTUREPAY

**Reg. No. 4,434,614**

**Registered Nov. 19, 2013**

**Int. Cl.: 36**

**SERVICE MARK**

**PRINCIPAL REGISTER**

REVENUEWIRE INC. (CANADA CORPORATION)  
1205-4464 MARKHAM STREET  
VICTORIA, B.C., CANADA V8Z7X8

FOR: CREDIT SERVICE, NAMELY, PROVIDING CONSUMER CREDIT AND ELECTRONIC PAYMENT SERVICES OVER VARIOUS MEDIA INCLUDING THE TELEPHONE AND THE WORLD WIDE WEB; PROVIDING REVOLVING CREDIT ACCOUNT SERVICES ONLINE BASED ON AN INSTANT APPROVAL MODE AND A BUSINESS TO CONSUMER MODEL; PROVIDING CREDIT SERVICES TO BUSINESSES IN A BUSINESS TO BUSINESS MODEL, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 6-0-2013; IN COMMERCE 6-0-2013.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

PRIORITY CLAIMED UNDER SEC. 44(D) ON CANADA APPLICATION NO. 1555534, FILED 12-8-2011.

SER. NO. 85-496,752, FILED 12-15-2011.

JULIE VEPPUMTHARA, EXAMINING ATTORNEY



*Lea Street Lea*

Deputy Director of the United States Patent and Trademark Office

# **EXHIBIT B**

**Generated on:**

This page was generated by TSDR on 2015-12-07 00:30:33 EST

**Mark:** FUTURE PAYTECH

FUTURE PAYTECH

**US Serial Number:** 85860106

**Application Filing Date:**

Feb. 26, 2013

**Register:**

Principal

**Mark Type:**

Service Mark

**Status:**

An opposition after publication is pending at the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

**Status Date:**

Apr. 25, 2014

**Publication Date:** Feb. 25, 2014

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## Mark Information

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**Mark Literal Elements:**

FUTURE PAYTECH

**Standard Character Claim:**

Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

**Mark Drawing Type:**

4 - STANDARD CHARACTER MARK

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## Goods and Services

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**Note:** The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*...\* identify additional (new) wording in the goods/services.

**For:**

credit card processing services; credit, debit, check and gift card transaction processing services; online credit reporting for merchants, and transactional services, namely, electronic cash transactions, debit card transactions, and credit card transactions

**International Class(es):** 036 - Primary Class

**U.S Class(es):**

100, 101, 102

**Class Status:**

ACTIVE

**Basis:**

1(b)

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**For:**

storage services for archiving electronic data, specifically electronic signature files of customers

**International Class(es):** 039 - Primary Class

**U.S Class(es):**

100, 105

**Class Status:**

ACTIVE

**Basis:**

1(b)

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## Basis Information (Case Level)

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**Filed Use:** No

**Currently Use:** No

**Amended Use:** No

**Filed ITU:** Yes

**Currently ITU:** Yes

**Amended ITU:** No

Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

## Current Owner(s) Information

**Owner Name:**

FUTURE PAYMENT TECHNOLOGIES, L.P.

**Composed of:**

Future Payment Technologies GP, LLC, an LLC organized under the laws of Texas

**Owner Address:**

12700 PARK CENTRAL DRIVE, SUITE 1100  
DALLAS, TEXAS UNITED STATES 75251

**Legal Entity Type:** LIMITED PARTNERSHIP

**State or Country Where  
Organized:**

TEXAS

## Attorney/Correspondence Information

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**Docket Number:**

125176-3005

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Authorized:**

Yes

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Apr. 25, 2014	OPPOSITION INSTITUTED NO. 999999	216077
Mar. 27, 2014	EXTENSION OF TIME TO OPPOSE RECEIVED	
Feb. 25, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 25, 2014	PUBLISHED FOR OPPOSITION	
Feb. 05, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 22, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	67287
Jan. 21, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 21, 2014	EXAMINER'S AMENDMENT ENTERED	88888
Jan. 21, 2014	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jan. 21, 2014	EXAMINERS AMENDMENT E-MAILED	6328
Jan. 21, 2014	EXAMINERS AMENDMENT -WRITTEN	76635
Jan. 21, 2014	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Jan. 11, 2014	ASSIGNED TO LIE	67287
Dec. 13, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 12, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Dec. 11, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Dec. 11, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 11, 2013	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jul. 10, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jun. 12, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jun. 12, 2013	NON-FINAL ACTION E-MAILED	6325

Jun. 12, 2013	NON-FINAL ACTION WRITTEN	76635
Jun. 10, 2013	ASSIGNED TO EXAMINER	76635
Mar. 05, 2013	NOTICE OF PSEUDO MARK E-MAILED	
Mar. 04, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 01, 2013	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

**TM Attorney:** COLEMAN, CIMMERIAN

**Law Office Assigned:**

LAW OFFICE 102

### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:**

Jan. 22, 2014

## Assignment Abstract Of Title Information

### Summary

**Total Assignments:** 3

**Applicant:**

Crescent Processing Company, LP

### Assignment 1 of 3

**Conveyance:**

TRADEMARK SECURITY AGREEMENT

**Reel/Frame:** [5063/0231](#)

**Pages:**

5

**Date Recorded:** Jul. 03, 2013

**Supporting Documents:**

[assignment-tm-5063-0231.pdf](#)

### Assignor

**Name:** [CRESCENT PROCESSING COMPANY, LP](#)

**Execution Date:**

Jun. 28, 2013

**Legal Entity Type:** LIMITED PARTNERSHIP

**State or Country Where  
Organized:**

TEXAS

### Assignee

**Name:**

[JPMORGAN CHASE BANK, N.A.](#)

**Legal Entity Type:** NATIONAL ASSOCIATION

**State or Country Where  
Organized:**

TEXAS

**Address:**

2200 ROSS AVENUE  
8TH FLOOR  
DALLAS, TEXAS 75201

### Correspondent

**Correspondent Name:**

STEPHEN P. DEMM - HUNTON & WILLIAMS LLP

**Correspondent Address:**

951 EAST BYRD STREET  
RIVERFRONT PLAZA - EAST TOWER  
RICHMOND, VA 23219-4074

### Domestic Representative - Not Found

### Assignment 2 of 3

**Conveyance:**

CHANGE OF NAME

**Reel/Frame:** [5106/0986](#)

**Pages:**

3

**Date Recorded:** Sep. 09, 2013

**Supporting Documents:**

[assignment-tm-5106-0986.pdf](#)

**Assignor**

Name: [CRESCENT PROCESSING COMPANY, LP](#)

Execution Date:

Aug. 30, 2013

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where  
Organized:

TEXAS

**Assignee**

Name:

[FUTURE PAYMENT TECHNOLOGIES, L.P.](#)

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where  
Organized:

TEXAS

Address:

12700 PARK CENTRAL DRIVE, SUITE 1100  
DALLAS, TEXAS 75251

**Correspondent**

Correspondent Name:

STEPHEN P. DEMM - HUNTON & WILLIAMS LLP

Correspondent Address:

951 EAST BYRD STREET  
RIVERFRONT PLAZA - EAST TOWER  
RICHMOND, VA 23219-4074

**Domestic Representative - Not Found**

**Assignment 3 of 3**

Conveyance:

SECURITY INTEREST

Reel/Frame: [5188/0378](#)

Pages:

5

Date Recorded: Jan. 07, 2014

Supporting Documents:

[assignment-tm-5188-0378.pdf](#)

**Assignor**

Name: [FUTURE PAYMENT TECHNOLOGIES, L.P.](#)

Execution Date:

Dec. 31, 2013

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where  
Organized:

TEXAS

**Assignee**

Name:

[WHITEHORSE FINANCE, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where  
Organized:

DELAWARE

Address:

155 N. WACKER DRIVE  
STE. 4180  
CHICAGO, ILLINOIS 60606

**Correspondent**

Correspondent Name:

MICHELE P. SCHWARTZ

Correspondent Address:

ANDREWS KURTH LLP, 1717 MAIN STREET  
STE. 3700  
DALLAS, TX 75201

**Domestic Representative - Not Found**

**Proceedings**

**Summary**

**Number of Proceedings:**

2

**Type of Proceeding: Opposition****Proceeding Number:** [91216077](#)**Filing Date:**

Apr 25, 2014

**Status:** Pending**Status Date:**

Apr 25, 2014

**Interlocutory Attorney:** ELIZABETH WINTER**Defendant****Name:**

Future Payment Technologies, L.P.

**Correspondent Address:**

JASON R FULMER  
GARDERE WYNNE SEWELL LLP  
1601 ELM STREET, SUITE 3000  
DALLAS TX UNITED STATES , 75201-4761

**Correspondent e-mail:**[ip@gardere.com](mailto:ip@gardere.com) , [jfulmer@gardere.com](mailto:jfulmer@gardere.com) , [kschwartz@gardere.com](mailto:kschwartz@gardere.com) , [ploh@gardere.com](mailto:ploh@gardere.com) , [sbutler@gardere.com](mailto:sbutler@gardere.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
FUTURE PAYTECH	Opposition Pending	<a href="#">85860106</a>	
FUTURE PAYMENT TECHNOLOGIES	Opposition Pending	<a href="#">85860109</a>	

**Plaintiff(s)****Name:**

RevenueWire, Inc.

**Correspondent Address:**

MICHELLE S KATZ  
ADVITAM IP LLC  
160 N WACKER DRIVE  
CHICAGO IL UNITED STATES , 60606

**Correspondent e-mail:**[Mkatz@advitamip.com](mailto:Mkatz@advitamip.com) , [MSKdocket@AdvitamIP.com](mailto:MSKdocket@AdvitamIP.com) , [TValente@AdvitamIP.com](mailto:TValente@AdvitamIP.com) , [BBelligio@AdvitamIP.com](mailto:BBelligio@AdvitamIP.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
FUTUREPAY	Registered	<a href="#">85496752</a>	<a href="#">4434614</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 25, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 25, 2014	Jun 04, 2014
3	PENDING, INSTITUTED	Apr 25, 2014	
4	ANSWER AND COUNTERCLAIM ( FEE)	Jun 04, 2014	
5	TRIAL DATES RESET	Jun 05, 2014	
6	ANSWER TO COUNTERCLAIM	Jul 03, 2014	
7	D MOT FOR EXT W/ CONSENT	Dec 29, 2014	
8	EXTENSION OF TIME GRANTED	Dec 30, 2014	
9	P MOT FOR EXT W/ CONSENT	Feb 11, 2015	
10	EXTENSION OF TIME GRANTED	Feb 11, 2015	
11	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jun 15, 2015	
12	SUSPENDED	Jun 22, 2015	
13	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Aug 17, 2015	
14	SUSPENDED	Aug 27, 2015	
15	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Sep 28, 2015	
16	SUSPENDED	Oct 02, 2015	
17	D MOT TO SUSP PEND DISP CIV ACTION	Nov 30, 2015	
18	D MOT TO QUASH	Dec 03, 2015	

**Type of Proceeding: Extension of Time****Proceeding Number:** [85860106](#)**Filing Date:**

Mar 27, 2014

**Status:** Terminated

**Status Date:**

Apr 26, 2014

**Interlocutory Attorney:**

**Defendant**

**Name:**

FUTURE PAYMENT TECHNOLOGIES, L.P.

**Correspondent Address:**

JASON R. FULMER  
GARDERE WYNNE SEWELL LLP  
1601 ELM ST STE 3000  
DALLAS TX , 75201-4761

Associated marks			
Mark	Application Status	Serial Number	Registration Number
FUTURE PAYTECH	Opposition Pending	<a href="#">85860106</a>	

**Potential Opposer(s)**

**Name:**

RevenueWire Inc.

**Correspondent Address:**

Michele S. Katz  
Advitam IP, LLC  
160 N. Wacker Drive  
Chicago IL UNITED STATES , 60606

**Correspondent e-mail:**

[MSKdocket@AdvitamIP.com](mailto:MSKdocket@AdvitamIP.com), [MKatz@AdvitamIP.com](mailto:MKatz@AdvitamIP.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
Prosecution History			
Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Mar 27, 2014	
2	EXTENSION OF TIME GRANTED	Mar 27, 2014	



# EXHIBIT C

**Generated on:**

This page was generated by TSDR on 2015-12-07 00:31:07 EST

**Mark:** FUTURE PAYMENT TECHNOLOGIES

FUTURE PAYMENT TECHNOLOGIES

**US Serial Number:** 85860109

**Application Filing Date:**

Feb. 26, 2013

**Register:**

Principal

**Mark Type:**

Service Mark

**Status:**

An opposition after publication is pending at the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

**Status Date:**

Apr. 25, 2014

**Publication Date:** Feb. 25, 2014

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## Mark Information

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**Mark Literal Elements:**

FUTURE PAYMENT TECHNOLOGIES

**Standard Character Claim:**

Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

**Mark Drawing Type:**

4 - STANDARD CHARACTER MARK

**Disclaimer:**

"PAYMENT TECHNOLOGIES"

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## Goods and Services

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**Note:** The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "\*" identify additional (new) wording in the goods/services.

**For:**

credit card processing services; credit, debit, check and gift card transaction processing services; online credit reporting for merchants, and transactional services, namely, electronic cash transactions, debit card transactions, and credit card transactions

**International Class(es):** 036 - Primary Class

**U.S Class(es):**

100, 101, 102

**Class Status:**

ACTIVE

**Basis:**

1(b)

---

**For:**

storage services for archiving electronic data, specifically electronic signature files of customers

**International Class(es):** 039 - Primary Class

**U.S Class(es):**

100, 105

**Class Status:**

ACTIVE

**Basis:**

1(b)

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## Basis Information (Case Level)

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<b>Filed Use:</b> No	<b>Currently Use:</b> No	<b>Amended Use:</b> No
<b>Filed ITU:</b> Yes	<b>Currently ITU:</b> Yes	<b>Amended ITU:</b> No
<b>Filed 44D:</b> No	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> No	<b>Currently 44E:</b> No	<b>Amended 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No	
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No	

## Current Owner(s) Information

**Owner Name:**

FUTURE PAYMENT TECHNOLOGIES, L.P.

**Composed of:**

Future Payment Technologies GP, LLC, an LLC organized under the laws of Texas

**Owner Address:**

12700 PARK CENTRAL DRIVE, SUITE 1100  
DALLAS, TEXAS 75251  
UNITED STATES

**Legal Entity Type:** LIMITED PARTNERSHIP

**State or Country Where  
Organized:**

TEXAS

## Attorney/Correspondence Information

**Attorney of Record**

**Attorney Name:** Jason R. Fulmer

**Docket Number:**

125176-3006

**Correspondent****Correspondent  
Name/Address:**

JASON R FULMER  
GARDERE WYNNE SEWELL LLP  
1601 ELM STREET  
SUITE 3000  
DALLAS, TEXAS 75201-4761  
UNITED STATES

**Phone:** 214-999-4487

**Fax:**

214-999-3623

**Correspondent e-mail:** [jp@gardere.com](mailto:jp@gardere.com) [jfulmer@gardere.com](mailto:jfulmer@gardere.com)

**Correspondent e-mail  
Authorized:**

Yes

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Apr. 25, 2014	OPPOSITION INSTITUTED NO. 999999	216077
Mar. 27, 2014	EXTENSION OF TIME TO OPPOSE RECEIVED	
Feb. 25, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 25, 2014	PUBLISHED FOR OPPOSITION	
Feb. 05, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 22, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	67287
Jan. 21, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 21, 2014	EXAMINER'S AMENDMENT ENTERED	88888
Jan. 21, 2014	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jan. 21, 2014	EXAMINERS AMENDMENT E-MAILED	6328
Jan. 21, 2014	EXAMINERS AMENDMENT -WRITTEN	76635
Jan. 21, 2014	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Jan. 11, 2014	ASSIGNED TO LIE	67287
Dec. 13, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 12, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Dec. 11, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Dec. 11, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	

Sep. 11, 2013	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jul. 10, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jun. 12, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jun. 12, 2013	NON-FINAL ACTION E-MAILED	6325
Jun. 12, 2013	NON-FINAL ACTION WRITTEN	76635
Jun. 10, 2013	ASSIGNED TO EXAMINER	76635
Mar. 04, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 01, 2013	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

**TM Attorney:** COLEMAN, CIMMERIAN

**Law Office Assigned:**

LAW OFFICE 102

### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:**

Jan. 22, 2014

## Assignment Abstract Of Title Information

### Summary

**Total Assignments:** 3

**Applicant:**

Crescent Processing Company, LP

### Assignment 1 of 3

#### Conveyance:

TRADEMARK SECURITY AGREEMENT

**Reel/Frame:** [5063/0231](#)

**Pages:**

5

**Date Recorded:** Jul. 03, 2013

#### Supporting Documents:

[assignment-tm-5063-0231.pdf](#)

### Assignor

**Name:** [CRESCENT PROCESSING COMPANY, LP](#)

**Execution Date:**

Jun. 28, 2013

**Legal Entity Type:** LIMITED PARTNERSHIP

**State or Country Where  
Organized:**

TEXAS

### Assignee

**Name:**

[JPMORGAN CHASE BANK, N.A.](#)

**Legal Entity Type:** NATIONAL ASSOCIATION

**State or Country Where  
Organized:**

TEXAS

#### Address:

2200 ROSS AVENUE  
8TH FLOOR  
DALLAS, TEXAS 75201

### Correspondent

#### Correspondent Name:

STEPHEN P. DEMM - HUNTON & WILLIAMS LLP

#### Correspondent Address:

951 EAST BYRD STREET  
RIVERFRONT PLAZA - EAST TOWER  
RICHMOND, VA 23219-4074

### Domestic Representative - Not Found

### Assignment 2 of 3

#### Conveyance:

CHANGE OF NAME

**Reel/Frame:** [5106/0986](#)

**Pages:**

3

**Date Recorded:** Sep. 09, 2013

**Supporting Documents:**

[assignment-tm-5106-0986.pdf](#)

**Assignor**

**Name:** [CRESCENT PROCESSING COMPANY, LP](#)

**Execution Date:**

Aug. 30, 2013

**Legal Entity Type:** LIMITED PARTNERSHIP

**State or Country Where  
Organized:**

TEXAS

**Assignee**

**Name:**

[FUTURE PAYMENT TECHNOLOGIES, L.P.](#)

**Legal Entity Type:** LIMITED PARTNERSHIP

**State or Country Where  
Organized:**

TEXAS

**Address:**

12700 PARK CENTRAL DRIVE, SUITE 1100  
DALLAS, TEXAS 75251

**Correspondent**

**Correspondent Name:**

STEPHEN P. DEMM - HUNTON & WILLIAMS LLP

**Correspondent Address:**

951 EAST BYRD STREET  
RIVERFRONT PLAZA - EAST TOWER  
RICHMOND, VA 23219-4074

**Domestic Representative - Not Found**

**Assignment 3 of 3**

**Conveyance:**

SECURITY INTEREST

**Reel/Frame:** [5188/0378](#)

**Pages:**

5

**Date Recorded:** Jan. 07, 2014

**Supporting Documents:**

[assignment-tm-5188-0378.pdf](#)

**Assignor**

**Name:** [FUTURE PAYMENT TECHNOLOGIES, L.P.](#)

**Execution Date:**

Dec. 31, 2013

**Legal Entity Type:** LIMITED PARTNERSHIP

**State or Country Where  
Organized:**

TEXAS

**Assignee**

**Name:**

[WHITEHORSE FINANCE, INC.](#)

**Legal Entity Type:** CORPORATION

**State or Country Where  
Organized:**

DELAWARE

**Address:**

155 N. WACKER DRIVE  
STE. 4180  
CHICAGO, ILLINOIS 60606

**Correspondent**

**Correspondent Name:**

MICHELE P. SCHWARTZ

**Correspondent Address:**

ANDREWS KURTH LLP, 1717 MAIN STREET  
STE. 3700  
DALLAS, TX 75201

**Domestic Representative - Not Found**

# Proceedings

## Summary

Number of Proceedings:

2

## Type of Proceeding: Opposition

Proceeding Number: [91216077](#)

Filing Date:

Apr 25, 2014

Status: Pending

Status Date:

Apr 25, 2014

Interlocutory Attorney: ELIZABETH WINTER

## Defendant

Name:

Future Payment Technologies, L.P.

Correspondent Address:

JASON R FULMER  
GARDERE WYNNE SEWELL LLP  
1601 ELM STREET, SUITE 3000  
DALLAS TX , 75201-4761  
UNITED STATES

Correspondent e-mail:

[ip@gardere.com](mailto:ip@gardere.com) , [jfulmer@gardere.com](mailto:jfulmer@gardere.com) , [kschwartz@gardere.com](mailto:kschwartz@gardere.com) , [ploh@gardere.com](mailto:ploh@gardere.com) , [sbutler@gardere.com](mailto:sbutler@gardere.com)

## Associated marks

Mark	Application Status	Serial Number	Registration Number
FUTURE PAYTECH	Opposition Pending	<a href="#">85860106</a>	
FUTURE PAYMENT TECHNOLOGIES	Opposition Pending	<a href="#">85860109</a>	

## Plaintiff(s)

Name:

RevenueWire, Inc.

Correspondent Address:

MICHELLE S KATZ  
ADVITAM IP LLC  
160 N WACKER DRIVE  
CHICAGO IL , 60606  
UNITED STATES

Correspondent e-mail:

[Mkatz@advitamip.com](mailto:Mkatz@advitamip.com) , [MSKdocket@AdvitamIP.com](mailto:MSKdocket@AdvitamIP.com) , [TValente@AdvitamIP.com](mailto:TValente@AdvitamIP.com) , [BBelligio@AdvitamIP.com](mailto:BBelligio@AdvitamIP.com)

## Associated marks

Mark	Application Status	Serial Number	Registration Number
FUTUREPAY	Registered	<a href="#">85496752</a>	<a href="#">4434614</a>

## Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 25, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 25, 2014	Jun 04, 2014
3	PENDING, INSTITUTED	Apr 25, 2014	
4	ANSWER AND COUNTERCLAIM ( FEE)	Jun 04, 2014	
5	TRIAL DATES RESET	Jun 05, 2014	
6	ANSWER TO COUNTERCLAIM	Jul 03, 2014	
7	D MOT FOR EXT W/ CONSENT	Dec 29, 2014	
8	EXTENSION OF TIME GRANTED	Dec 30, 2014	
9	P MOT FOR EXT W/ CONSENT	Feb 11, 2015	
10	EXTENSION OF TIME GRANTED	Feb 11, 2015	
11	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jun 15, 2015	
12	SUSPENDED	Jun 22, 2015	
13	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Aug 17, 2015	
14	SUSPENDED	Aug 27, 2015	
15	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Sep 28, 2015	
16	SUSPENDED	Oct 02, 2015	

17 D MOT TO SUSP PEND DISP CIV ACTION  
18 D MOT TO QUASH

Nov 30, 2015  
Dec 03, 2015

**Type of Proceeding: Extension of Time**

**Proceeding Number:** [85860109](#)

**Filing Date:**

Mar 27, 2014

**Status:** Terminated

**Status Date:**

Apr 26, 2014

**Interlocutory Attorney:**

**Defendant**

**Name:**

FUTURE PAYMENT TECHNOLOGIES, L.P.

**Correspondent Address:**

JASON R. FULMER  
GARDERE WYNNE SEWELL LLP  
1601 ELM ST STE 3000  
DALLAS TX , 75201-4761

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
FUTURE PAYMENT TECHNOLOGIES	Opposition Pending	<a href="#">85860109</a>	

**Potential Opposer(s)**

**Name:**

RevenueWire Inc.

**Correspondent Address:**

Michele S. Katz  
Advitam IP, LLC  
160 N. Wacker Drive  
Chicago IL , 60606  
UNITED STATES

**Correspondent e-mail:**

[MSKdocket@AdvitamIP.com](mailto:MSKdocket@AdvitamIP.com), [MKatz@AdvitamIP.com](mailto:MKatz@AdvitamIP.com)

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Mar 27, 2014	
2	EXTENSION OF TIME GRANTED	Mar 27, 2014	

# **EXHIBIT D**



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

REVENUEWIRE, INC.,	)	
	)	
Opposer,	)	Opposition No. 91216077
	)	
v.	)	
	)	
FUTURE PAYMENT TECHNOLOGIES,	)	
L.P.	)	
Applicant.	)	

**OPPOSER’S RESPONSES AND OBJECTIONS TO APPLICANT’S  
FIRST SET OF INTERROGATORIES**

Opposer, RevenueWire, Inc. (“Opposer”) hereby responds to Applicant, Future Payment Technologies, L.P.’s (“Applicant”), First Set of Interrogatories as follows. Opposer has used its best efforts to obtain the information subject to the following general and specific objections. Opposer reserves the right to supplement its responses.

**GENERAL OBJECTIONS**

Opposer incorporates its General Objections to Applicant’s First Set of Requests for Production of Documents and Things as if fully set forth herein and states that they are made part of Opposer’s response to each and every interrogatory below.

**INTERROGATORY RESPONSES**

**INTERROGATORY NO. 1:** Describe in detail the business currently conducted or intended to be conducted by Opposer including a description of each product and service offering.

**RESPONSE:** The FuturePay® service is an alternative payment option for companies to offer alongside traditional payment options such as credit cards. The FuturePay® service allows customers to buy now and pay later when they purchase items from an ecommerce or mobile commerce storefront. For approved FuturePay® customers, they can put their purchase on a virtual

tab and pay in full later or pay their balance off over time in installments. For companies, The FuturePay® service offers a non-credit card payment option for their customers, helping companies attract new customers and purchases. The FuturePay® service is available via a number of ecommerce platforms such as Magento and 3D Cart and directly by merchants that want to add “FuturePay” to their store.

**INTERROGATORY NO. 2:** Identify and describe all the goods and services for which Opposer has used or intends to use the designation FUTUREPAY, and for each supply the date of first use of FUTUREPAY on or in connection with the goods or services, the geographic areas in which the goods or services have been or are intended to be marketed and distributed, the individuals, retail stores, or other purchasers to whom the goods or services were sold or are planned to be sold; and the dates on which said goods or services were marketed or sold or are planned to be marketed or sold.

**RESPONSE:** The FuturePay® service is an alternative payment option for companies that sell to US customers. The companies are located anywhere in the world, but the consumers are US based as they need to have a US social in order to open a FuturePay® account. The FuturePay® service was publically launched in the US in August 2012 and its first transaction was in October 2013. Currently, The FuturePay® service is integrated with 10 ecommerce platforms, and there are nearly 200 merchants and several thousand consumers using The FuturePay® service. The intent is to provide the FuturePay® payment option in other countries in the future.

**INTERROGATORY NO. 3:** Describe the circumstances and method by which Opposer selected and first used FUTUREPAY for each type of goods or services for which it intends to use or which it has used.

**RESPONSE:** The FuturePay® payment option has been the name of the company and name of the brand from the beginning. The FuturePay business was started in March 2011 when we hired our first employee to develop the product and technical requirements for the service. The FuturePay domain name was acquired three months later, in June 2011.

**INTERROGATORY NO. 4:** Describe the circumstances if Opposer has ever used the phrase FUTUREPAY on any type of goods or services prior to the filing of its Application No. 85/496,752.

**RESPONSE:** The FuturePay® payment option was not used publically before the application.

**INTERROGATORY NO. 5:** State whether any searches or investigations, including but not limited to clearance and freedom-to-operate searches, were conducted by Opposer or any person on its behalf (including its attorneys) to determine whether the designation FUTUREPAY was available as a trademark or trade name and, if so, identify each such search or investigation.

**RESPONSE:** Opposer objects to this interrogatory to the extent it seeks information, which is protected from disclosure under the attorney-client privilege or work product immunity.

**INTERROGATORY NO. 6:** Identify each person, including but not limited to people employed by Opposer and outside agents or agencies retained by Opposer, who has been or now is responsible for (a) selection of goods or services, (b) marketing, advertising and promotion, and (c) bookkeeping and accounting, with respect to any goods or services offered for sale, sold or planned to be offered for sale or sold under the designation FUTUREPAY.

**RESPONSE:** Roberta Leach, Kim Krenzler, William Ng, Trevor Wingert, Jim Nielsen, Denise Purtzer, Faye McEachern, Jill Clatterbaugh, Manbir Samra, James Teague, Christine Eastgaard, Courtney Gingras, Kalani Diehl, Joshua Cook, James Pasta, Chris Roenfeld, Charles Rose, Anthony Jiwa, Melanie Wood, Lisa Stevens, Jennifer Tucker, Krysta Gillis, Cindy Webster, Jillian Bowden, Meiri Sage, Jason Kiwaluk, Cherie Landgren, Jason Kolt, Jim Todd, Elizabeth Vinkle, Jenny Wu, Steve Bengston, Sean Clarke, Ralph Kerkemeyer, Julie Howlett, Neil O'Connor, Dennver Roberts, Kelly Ridgway, Ravinder Manhas, Brad Lynn, and Sandi Fenner.

**INTERROGATORY NO. 7:** Identify each different label, hangtag, wrapper, container, advertisement, brochure, and the like, which contains or bears, or is planned to contain or bear, the designation FUTUREPAY or any variation thereof.

**RESPONSE:** Opposer objects to this interrogatory as overly broad and unduly burdensome. Notwithstanding and without waiving these or the general objections, relevant and non-confidential information will be provided. Every piece of marketing and sales collateral that

Opposer uses has the FuturePay® brand on it. These range from sales collateral such as presentations and brochures, to marketing campaigns such as ads on LinkedIn and emails. The FuturePay® payment option has also been promoted at trade shows such as IRCE and Shop.org. Social media channels such as Facebook, LinkedIn and Twitter are also used to promote FuturePay®. The FuturePay® payment option is also promoted via the ecommerce platforms it's integrated with such as Magento, OpenCart, 3D Cart, Pinnacle Cart, Drupal Commerce, Woo Commerce, Spree Commerce, JigoShop, LemonStand, CS Cart and Hybris. The FuturePay® identity is also displayed on the ecommerce carts of any merchant that uses the FuturePay® payment option.

**INTERROGATORY NO. 8:** State whether Opposer or any person acting for or on its behalf has ever granted to any person any authorization or license to use the designation FUTUREPAY or any variation thereof and, if so, identify to whom such authorization or license was granted, the date it was granted, the terms and conditions of such authorization or license, including the duration of permitted use, and the business, goods, and services for which the authorization or license was granted.

**RESPONSE:** The only parties that are allowed to use the “FuturePay” designation are the approved partners and merchants that Opposer has approved. Opposer has granted a license to FuturePay, Inc.

**INTERROGATORY NO. 9:** Identify the specific media (including names of advertising outlets, identified by address and State) through which Opposer has or intends to advertise or promote its goods or services under the designation FUTUREPAY.

**RESPONSE:** The FuturePay® payment option is currently promoted to merchants through various online channels such as Google, Facebook, LinkedIn, Twitter and other targeted sites. The FuturePay® payment option is currently promoted to consumers via the merchants that use the FuturePay® payment option. Opposer also plans on promoting itself to consumers directly through a range of channels yet to be determined.

FuturePay® account. The FuturePay® service was publically launched in the US in August 2012 and its first transaction was in October 2013. Currently, The FuturePay® service is integrated with 10 ecommerce platforms, and there are nearly 200 merchants and several thousand consumers using The FuturePay® service. The intent is to provide the FuturePay® payment option in other countries in the future.

**INTERROGATORY NO. 22:** Identify and describe all non-privileged communications, including internal communications, referring to Applicant.

**RESPONSE:** Opposer objects this request as vague and over burdensome. The content responsive to this interrogatory can be found in Opposer's production and relates to third parties contacting Opposer believing they were contacting Applicant, as well as the plethora of complaints on-line that identify Applicant.

**INTERROGATORY NO. 23:** Describe the current channels of trade or intended channels of trade for any good or service offered or intended to be offered under the designation FUTUREPAY.

**RESPONSE:** Opposer is integrated with several ecommerce platforms including Magento, OpenCart, 3D Cart, Pinnacle Cart, Drupal Commerce, Woo Commerce, Spree Commerce, JigoShop, LemonStand, CS Cart and Hybris. Opposer plans on continuing with these integrations with additional ecommerce, mobile commerce and point-of-sale applications to offer the FuturePay® payment option.

**INTERROGATORY NO. 24:** For each of the goods and services identified in Interrogatory No. 2, state the date Opposer first used Opposer's mark for such goods/services.

**RESPONSE:** Opposer started the business in March 2011, purchased the FuturePay.com domain in June 2011, launched FuturePay publically in August 2012, attended its first trade show in June 2013, and had its first transaction in October 2013.

**INTERROGATORY NO. 25:** Identify each person who participated in the preparation of Opposer's responses to the foregoing interrogatories or furnished any information in response thereto, and for each specify the interrogatory response for which each such person provided information or participated in the preparation of.

**RESPONSE:** Roberta Leach

**INTERROGATORY NO. 26:** Identify and describe all communications by and between principals of Opposer and Applicant regarding any alleged instances of actual confusion by con[sic]

**RESPONSE:** Opposer objects to this interrogatory as vague and incomplete. Specific instances of confusion and loss of business are contained in Opposer's production.

Dated: March 24, 2015

By: /s/ Michele S. Katz  
Michele S. Katz  
ADVITAM IP, LLC  
160 N. Wacker Drive  
Chicago, IL 60606  
Tel: (312) 332-7710  
Fax: (312) 332-7701  
Email: [mkatz@advitamip.com](mailto:mkatz@advitamip.com)  
*Attorney for Opposer*

# **GROUP EXHIBIT E**

## Seeking Health Update

Sent: Thursday, March 12, 2015 at 1:31 PM

To: Bobbi Leach

 You replied to this message on 2015-03-12, 1:33 PM.

Show Reply

Hi Bobbi,

I wanted to give you an update on Seeking Health. I had great conversation with them and have been in talks with them since late October. We were planning on going live this month however, their Accountant Jennifer was doing research on FuturePay and came across FuturePayment Technologies and assumed it was us. This isn't the first time this has been a setback for us, however it's a major blow to our targets and relationship that I've built with the SeekingHealth. They've opted to not move forward with us because of the reviews they read and were not willing to discuss anything further with me.

Its unfortunate that I spent so much time with these guys only to have FuturePayment Tech block our success.

Thanks Bobbi, let me know if you have any ideas moving forward.

Best,



**From:** Jillian Bowden jbowden@revenuewire.com  
**Subject:** FW: Customer Relations  
**Date:** March 10, 2015 at 7:07 AM  
**To:** William Ng wng@revenuewire.com



---

Email from FuturePay Tech customer

**From:** [REDACTED]  
**Sent:** Monday, March 09, 2015 4:04 PM  
**To:** Support @ FuturePay  
**Subject:** Customer Relations

I thought I was a customer of Crescent Processing and expected to contact by phone when there was a glitch on transaction which I wanted to ensure was fulfilled. To my dismay I was on hold for well over half hour, finally giving up. I went online, found this futurepay site and presume my account has been acquired by you without any notification to me!

I do not know what to enter now and need help for future. My business is [REDACTED] and never emailed to Crescent - do you have a registration process to start with you guys? How do I set up a user name and password? And I can't find a 16 digit account number.

The credit charge in question is in amount of \$94.06 - accidentally hit the CLEAR button, but both receipts came up but did not show signature so I got customer to sign and leave phone number. Just want to make sure this will be credited correctly to my account - merchant # [REDACTED].

From the point of view of your most valuable asset, your merchant, you should mention your hours on voicemail (which I finally found on-line at another phone number). My customer waited patiently for a long time before giving up.

I hope this is transitional phase which will improve.

[REDACTED]

**From:** Jill Clatterbaugh <jclatterbaugh@futurepay.com>  
**Subject:** Re: Logging in  
**Date:** January 21, 2015 at 12:19 PM  
**To:** William Ng <wng@revenuewire.com>



Hi William,

Thank you for the email. I called him on the phone because I could not find him in our system. When I called he was certain it was FuturePay he had an account with. I asked him if he could forward the email to me that he received at the time of signing up. I requested this information because I could not find him anywhere in our system using the various information I had asked for. So, he went to his email and found the email and he said, 'here it is, it is from FuturePay Technologies.' and I said "FuturePay Technologies" and he said yes. I told him that was not our company but another company close to our name. I asked him how he got our information and he said he Googled FuturePay because they were not responding to him and so that is how he got our number which he thought was the right place.

If I remember right the email he pulled up, did have a number on it and I told him that's the number he would have to call.

I also, did not have him forward that email to me since it was not mine to see since it wasn't from FuturePay.

Jill

---

**From:** William Ng <wng@revenuewire.com>  
**Date:** Wednesday, January 21, 2015 at 2:09 PM  
**To:** Jill Clatterbaugh <jclatterbaugh@futurepay.com>  
**Subject:** Fwd: Logging in

Hi Jill

I am following up with the merchant that's looking for Future Pay Technologies.

How did you find out that the's looking for Future Pay Technologies?  
Please jot down all the details for me.

Thanks  
William

Begin forwarded message:

**From:** Jennifer Tucker <jtucker@revenuewire.com>  
**To:** William Ng <wng@revenuewire.com>  
**Subject:** FW: Logging in  
**Date:** January 21, 2015 at 12:06:27 PM PST

Here is the email from the merchant that is with FuturePay technologies

---

**From:** Jillian Bowden  
**Sent:** Wednesday, January 07, 2015 11:09 AM

**From:** Jill Clatterbaugh <jclatterbaugh@futurepay.com>  
**Subject:** Re: Logging in  
**Date:** January 21, 2015 at 12:19 PM  
**To:** William Ng <wng@revenuewire.com>



Hi William,

Thank you for the email. I called him on the phone because I could not find him in our system. When I called he was certain it was FuturePay he had an account with. I asked him if he could forward the email to me that he received at the time of signing up. I requested this information because I could not find him anywhere in our system using the various information I had asked for. So, he went to his email and found the email and he said, 'here it is, it is from FuturePay Technologies.' and I said "FuturePay Technologies" and he said yes. I told him that was not our company but another company close to our name. I asked him how he got our information and he said he Googled FuturePay because they were not responding to him and so that is how he got our number which he thought was the right place.

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I also, did not have him forward that email to me since it was not mine to see since it wasn't from FuturePay.

Jill

---

**From:** William Ng <wng@revenuewire.com>  
**Date:** Wednesday, January 21, 2015 at 2:09 PM  
**To:** Jill Clatterbaugh <jclatterbaugh@futurepay.com>  
**Subject:** Fwd: Logging in

Hi Jill

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How did you find out that the's looking for Future Pay Technologies?  
Please jot down all the details for me.

Thanks  
William

Begin forwarded message:

**From:** Jennifer Tucker <jtucker@revenuewire.com>  
**To:** William Ng <wng@revenuewire.com>  
**Subject:** FW: Logging in  
**Date:** January 21, 2015 at 12:06:27 PM PST

Here is the email from the merchant that is with FuturePay technologies

---

**From:** Jillian Bowden  
**Sent:** Wednesday, January 07, 2015 11:09 AM

To: Jennifer Tucker  
Subject: FW: Logging in

---

From: Jill Clatterbaugh  
Sent: Tuesday, January 06, 2015 1:47 PM  
To: Jillian Bowden; Merchant @ FuturePay  
Subject: Re: Logging in

False alarm...he's look for Future Pay Technologies.

---

From: Jillian Bowden <jbowden@revenuewire.com>  
Date: Tuesday, January 6, 2015 at 1:04 PM  
To: "Merchant @ FuturePay" <merchant@futurepay.com>  
Subject: FW: Logging in

---

From: [REDACTED]  
Sent: Tuesday, January 06, 2015 10:51 AM  
To: Support @ FuturePay  
Subject: Logging in

I was just given a temp password to login for the first time to my merchants account. It did not work... Can you help me

Thanks

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

On 3/17/15, 1:00 PM, [REDACTED] wrote:

Yes I did, thanks for following up.  
[REDACTED]

If you breathe in and are aware that you are alive--  
that you can touch the miracle of being alive--  
then that is a kind of enlightenment.

Thich Nhat Hanh

-----  
On Tue, 3/17/15, Denise Purtzer <[dpurtzer@futurepay.com](mailto:dpurtzer@futurepay.com)> wrote:

Subject: Re: No Statements Merchant # 109865

To: [REDACTED]

Date: Tuesday, March 17, 2015, 6:40 AM

Hello and good morning [REDACTED],  
did you confirm that this was Future Pay Technologies,  
rather than FuturePay?

I hope you found what you needed.

Denise

Denise

Purtzer

Director,

Business Development

[dpurtzer@futurepay.com](mailto:dpurtzer@futurepay.com)

402.817.6011/888.317.9221 Ext.

700

@futurepay [www.futurepay.com](http://www.futurepay.com)

From: [REDACTED]  
[REDACTED]

Reply-To: [REDACTED]  
[REDACTED]

Date: Monday, March

16, 2015 at 2:13 PM

To: "Bizdev @

FuturePay" <[bizdev@futurepay.com](mailto:bizdev@futurepay.com)>

Subject: No

Statements Merchant # [REDACTED]

I have never received a statement from you via email or  
snail mail.

I would like copies of all of my statements since I  
have been doing business with you emailed to me at this  
email address ASAP.

Thank you,  
[REDACTED]

HIGHLY CONFIDENTIAL

RW000025

[REDACTED]



[REDACTED]

Begin forwarded message:

**From:** Kelly Ridgway <kridgway@revenuewire.com>  
**Subject:** futurepaytech.com  
**Date:** October 14, 2014 at 2:28:03 PM PDT  
**To:** William Ng <wng@revenuewire.com>  
**Cc:** "Fraud @ FuturePay" <fraud@futurepay.com>

Hi William,

I called a guy today FP customer account because I wanted to see if he created it, he said he did "by accident" but he was trying to get into his merchant account with futurepaytech.com. Customer was [REDACTED] I closed his account because he requested that. I looked at futurepaytech.com and they don't look like competition for FuturePay, as they look like a payment processor not online credit, but the name is pretty close. I think the FP customer googled futurepay or something and was mistaken and created a customer account with us. I don't think anything is foul but just thought I'd throw this out to the team as at least one guy accidentally signed up cause of it.


Thanks,

Kelly R.

Chat started on 08 Jun 2015, 04:19 PM (GMT+0)

(04:19:21) \*\*\* Visitor 53669148 joined the chat \*\*\*  
(04:19:21) **Visitor 53669148:** I am unable to access my online account  
(04:20:14) [REDACTED]: Can you help me  
(04:20:20) \*\*\* Faye joined the chat \*\*\*  
(04:20:35) **Faye:** I there, I apologize for the late response!  
(04:20:47) **Faye:** I can try to help you out - what is your company name?  
(04:20:59) [REDACTED]: no problem Faye. [REDACTED]  
(04:21:40) **Faye:** Great - let me check into this [REDACTED], what is the email associated with the account?  
(04:21:59) [REDACTED]: [REDACTED]  
(04:23:15) **Faye:** I don't have an account associated with any of that information.  
(04:23:47) **Faye:** Just to confirm - we are an alternative payment method (Credit Card free payment method). Have you landed on the correct site?  
(04:24:26) [REDACTED]: well, I don't know.  
(04:24:45) **Faye:** Do you have any communication from us through email or anything?  
(04:24:55) **Faye:** You could forward it to faye@futurepay.com  
(04:24:57) [REDACTED]: I am trying to access my Credit Card Service account. I have a terminal  
(04:27:22) **Faye:** Oh - That definitely isn't us. I may be able to help you figure out the correct company. Do you have any communication in your email or anything?  
(04:28:33) [REDACTED]: The only correspondence I have I just rec'd and the email address says crescentprocessing.com. But the paperwork says FuturePay and that is that is the phone number I called.  
(04:30:13) [REDACTED] **Faye,** I believe I just found it. Future Payment Technologies  
(04:37:33) \*\*\* [REDACTED] left the chat \*\*\*

NAME	[REDACTED]
EMAIL	[REDACTED]
PHONE	[REDACTED]
LOCATION	[REDACTED]
URL	<a href="https://www.futurepay.com/merchants/">https://www.futurepay.com/merchants/</a>
DEPARTMENT	—
SERVED BY	Faye

**From:** Jennifer Tucker jtucker@revenuewire.com   
**Subject:** RE: futurePay Tech  
**Date:** June 8, 2015 at 9:07 AM  
**To:** Bobbi Leach rleach@revenuewire.com, William Ng wng@revenuewire.com

JT

We have the customers information but unfortunately we did not get the bank reps name.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

---

**From:** Bobbi Leach  
**Sent:** Monday, June 08, 2015 8:41 AM  
**To:** Jennifer Tucker; William Ng  
**Subject:** Re: futurePay Tech

Thanks Jenn. Did you keep the customer's name / bank name / phone number / etc?

--

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

---

**From:** Jennifer Tucker  
**Date:** Monday, June 8, 2015 at 8:15 AM  
**To:** William Ng  
**Cc:** Roberta Leach  
**Subject:** futurePay Tech

Good Morning William,

We has a bank call us this morning with one of their customers on the line, they stated the customer was being "charged" by FuturePay 39.00 a month and they wanted to know what it was for. I had the Bank Rep read me the description of the charge and it turns out it was from FuturePay Tech. I asked the bank rep how they got our phone number and she told me she googled it.

Jennifer Tucker  
Manager, Customer Support  
[jtucker@revenuewire.com](mailto:jtucker@revenuewire.com)

HIGHLY CONFIDENTIAL

RW000608



**From:** Jillian Bowden jbowden@revenuewire.com  
**Subject:** FW: Announcement per your request 10/12/2015  
**Date:** October 13, 2015 at 1:26 PM  
**To:** William Ng wng@revenuewire.com

JB

---

**From:** Support @ FuturePay  
**Sent:** Tuesday, October 13, 2015 12:50 PM  
**To:** [REDACTED]  
**Subject:** RE: Announcement per your request 10/12/2015

Hello [REDACTED]

Thank you for your email.

FuturePay is a payment option that allows customers to purchase and pay later.

After reviewing your email it is clear that you have us confused with FuturePay Technology.

To discuss your account please contact them directly.

Sincerely,

Jillian B  
FuturePay  
[support@futurepay.com](mailto:support@futurepay.com)  
1-855-984-1129

---

**From:** [REDACTED]  
**Sent:** Monday, October 12, 2015 8:42 AM  
**To:** Support @ FuturePay  
**Subject:** Announcement per your request 10/12/2015

I am trying this again, just for the record, as I recall having done this three years ago. We quit using your services three or more years ago, please remove our account from your marketing account base. If you checked your records, (EVER), you will find no activity on this account since 2012, including the annual fee for troubleshooting services. Unless you are a totally incompetent, disorganized and behind the eight ball type of company, and that is the generous side of my observation, because if this is a standing practice to milk your account base because your revenues are so poor you need the revenue so bad you use deceit to raise income from inactive accounts. I intend on filing with the state of Oregon a formal complaint about your malfeasances. I appreciate your cover story as described and welcome any resolution from your company you may elect to make, at your earliest possible convenience. Thank you. [REDACTED]

[REDACTED]

**From:** Courtney Gringras cgringras@revenuewire.com  
**Subject:** FW: your business policies  
**Date:** August 13, 2015 at 2:16 PM  
**To:** William Ng wng@revenuewire.com



---

**From:** [REDACTED]  
**Date:** Thursday, August 13, 2015 at 1:02 PM  
**To:** "Community @ FuturePay" <[community@futurepay.com](mailto:community@futurepay.com)>  
**Subject:** Fwd: your business policies

Is this Crescent Processing???? I emailed this a few days ago, and just adds more disgust to this business!

---

-----Original Message-----

**From:** [REDACTED]  
**Date:** Aug 11, 2015 10:09:10 AM  
**Subject:** your business policies  
**To:** [dkesler@crescentprocessing.com](mailto:dkesler@crescentprocessing.com), [sstauffer@crescentprocessing.com](mailto:sstauffer@crescentprocessing.com), [cdierks@crescentprocessing.com](mailto:cdierks@crescentprocessing.com), [jdavis@crescentprocessing.com](mailto:jdavis@crescentprocessing.com)

I had a small craft store, & you had a fast talking sales rep who didn't know how to speak an honest word, so I really got screwed!!!!

I signed paper work without even having all the paper work because according to him he couldn't pull it all up on the computer.

He told me he was saving me money because I would only pay \$7.50 a month, but that didn't last long before you were deducting \$37.50, a month. Never explained that if my store closed I would still have to pay you.....  
I dealt with other companies and when I left they didn't charge me any other charges, but your company just kept charging!

My store closed in 9/2013, but you just kept charging my personal account for your fee, look at your records I didn't use your services since before that date. I called, begged you to stop this but no you kept doing it anyway. I send your machine back & that didn't matter either just keep charging the little guy this ridiculous amount!!!!

When your charge came in this month & caused 3 checks to bounce, I called again & spoke to a young lady who checked the account & realized this should have stopped so now I'm suppose to be getting 3 months back, (150.16). Still not in my account so another young lady just a few moments ago said it was released today so I should get it tomorrow but its 148.86, we'll see if I get anything!

I will find a way to let small businesses know NOT to listen to your sales reps & to let them know you are the worst company a small business could get involved with. I will start with the Buffalo Office of the BBB, & with NYS complaints regarding businesses showing them how you deducted \$1200. from my account for a closed business!!!!!!

Sincerely,

[REDACTED]

[REDACTED]

Thanks for writing to us, but I believe you may have reached out to the wrong company. I'm guessing by the fact that you are not in our system, and by the numbers/IDs you provided that this is Future Payment Technologies, and referring to a point of sale system. Our company is FuturePay.com and we allow online shoppers in the US to purchase without a credit card.

Best of luck resolving your issue and please let me know if I can assist further on this end.

Denise  
**Denise Purtzer**  
Vice President, Business Development



[dpurtzer@futurepay.com](mailto:dpurtzer@futurepay.com)  
402.817.6011/888.317.9221 Ext. 700  
@futurepay [www.futurepay.com](http://www.futurepay.com)

---

**From:** [REDACTED]  
**Date:** Monday, June 22, 2015 at 9:03 AM  
**To:** "Bizdev @ FuturePay" <[bizdev@futurepay.com](mailto:bizdev@futurepay.com)>  
**Subject:** Discusted

Hello Futurer pay,

I want to cancel my next payment with Datingbuz UK

My agreement is [REDACTED]

Every else has become an obstacle course and you just spoiled my day as it is extremely input unfriendly and seriously annoying.

Please cancel my future payment from datingbuz UK

My original transactionID [REDACTED]



**From:** [REDACTED]  
**Subject:** Re: Discussion Follow Up and Possible Marketing Opportunities  
**Date:** May 5, 2014 at 2:09:28 PM PDT  
**To:** Chris Reid <[creid@futurepay.com](mailto:creid@futurepay.com)>

Dear Chris,

I have reviewed the information you sent and the concept does sound intriguing. However, after doing some checking into the organization on my own, I find that Future Pay has numerous complaints many of which are undisclosed fees, equipment failures and lack of overall fair business practices.

If, in the future, the company improves their performance, I might want to consider it; but at this time, I'm not interested in adding this feature to my website.

[REDACTED]

On Mon, Apr 28, 2014 at 1:10 PM, Chris Reid  
<[creid@futurepay.com](mailto:creid@futurepay.com)> wrote:

Hi [REDACTED]

Thanks for taking time to speak with me earlier today. Based on our conversation, it seems like FuturePay would be a great fit for your store and I'm excited by the opportunity to work with you. Per our conversation, I'm following up with some additional information about FuturePay, along with a fact sheet.

- Answers to FuturePay FAQs can be found [here](#)
- A short video about FuturePay (only 90 seconds long) is available [here](#)

I also wanted to share more information about some marketing

opportunities that we offer to selected FuturePay merchants. Once you have signed up and activated FuturePay on your store I'll make sure that the marketing team includes your store in all of these initiatives:

- Placement on the directory of FuturePay merchants
- Mentions on FuturePay social media channels
- Article as a featured merchant on the FuturePay blog

In addition, the marketing team can also develop custom campaigns for some merchants. If you would be interested in this please let me know so we can have something ready to go as soon as possible.

If you have any questions or need additional information, please give me a call. I'll follow-up with you next week to discuss further, after you have had a chance to review.

Talk to you soon,

Chris

Chris Reid

Sales Executive

[creid@futurepay.com](mailto:creid@futurepay.com)

Ph. [1-402-817-6011](tel:1-402-817-6011)

Cell. [1-250-858-9644](tel:1-250-858-9644)

Toll Free. [1-888-317-9221](tel:1-888-317-9221) x 705

Skype. [chris.brad.reid](https://www.skype.com/people/chris.brad.reid)



**From:** Chris Reid <[creid@futurepay.com](mailto:creid@futurepay.com)>  
**Subject:** FuturePay and Future Payment Technologies  
**Date:** 1 May, 2014 8:30:34 AM PDT  
**To:** Bobbi Leach <[rleach@revenuewire.com](mailto:rleach@revenuewire.com)>, Denise Purtzer <[dpurtzer@futurepay.com](mailto:dpurtzer@futurepay.com)>

Good Morning Bobbi and Denise,

This came up today for a merchant I had signed up. It seems by the way she wrote "Future Pay" and BBB it would have brought up Future Payment Technologies. Which has 300+ complaints.

I did send her both links for the BBB for FuturePay and Future Payment Technologies.

But thought I would bring this to both of yours attention as this may come up again in the future for new merchants coming on board.

Talk soon,

Chris Reid



[CR Reid@futurepay.com](mailto:CR Reid@futurepay.com)  
402.817.6011 X705  
1.888.317.9221 X705  
[www.futurepay.com](http://www.futurepay.com)

Begin forwarded message:

**From:** [REDACTED]  
**Subject:** Re: CanUdles  
**Date:** May 1, 2014 at 7:25:32 AM PDT

**To:** Chris Reid <[creid@futurepay.com](mailto:creid@futurepay.com)>

**Reply-To:** [REDACTED]

Chris:

After doing some research about Future Pay..I have decided that I will NOT be using Future Pay. You have way too many customer complaints and going thru BBB..too many complaints there. I request that you no longer contact me regarding Future Pay

[REDACTED]

**from:** Chris Reid <[creid@futurepay.com](mailto:creid@futurepay.com)>

**To:** [REDACTED]

**Sent:** Tuesday, April 29, 2014 6:11 PM

**Subject:** Re: CanUdles

Hi [REDACTED]

Here you go

The link to Activate your FuturePay account

is: <https://www.futurepay.com/signup/display-merchant-confirmation?confirm=zLN3pc2YBPgTFwOl8GmBB2qWaNS9BUZhiHwgGpJsT0UxbRPkscNu2-DuHSCFpLKWzFImlw5SYY-M5PlaN6eiMQP3pHHSUC0gzTb3VwmqGEJZv6IIscGL8po-TUSh3tG8b38C1cPYhW5yPTVevJZBILi5Z2%2CtvO9irR911jsz1lm36AjP-EdNP3ne-QBVzxYNjZgN%2CrcIpce3mDXtlzDrdg%3D%3D>

Your Merchant API Key

is: [REDACTED]

Please see attached document as well.

Let me know if you have any other questions!

Talk soon :)